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Congress of the United States
House of Representatives
Washington, DC 20515-4209

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COMMITTEE ON THE JUDICIARY

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COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
(U.S. HELSINKI COMMISSION)

The Honorable Seema Verma
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Verma,

I am writing as part of the TennCare II, Amendment 36 comment period in strong opposition to Amendment 36, an amendment to the TennCare program to allow the exclusion of health care providers who offer abortion services from providing care to TennCare recipients.

The Medicaid program was set up to ensure that Medicaid recipients have the freedom to choose which medical professionals they see. This provision, commonly known as the "free choice of provider" provision, requires a "state plan to allow a beneficiary to obtain Medicaid services from any institution, agency, pharmacy, person, or organization that is (i) qualified to furnish services and (ii) willing to furnish them to that particular beneficiary." This provision has been upheld by the courts as applied to family planning providers.

An 1115 waiver to the Centers for Medicare & Medicaid Services (CMS) is for the purpose of waiving certain Medicaid requirements to experiment with improving the program and must be for the purpose of promoting the objectives of the Medicaid Act.

Excluding providers and constructing barriers to family planning is not an experiment that will improve Medicaid coverage, access, or health outcomes.

Instead of making TennCare a better program, this harmful proposal aims to cut off access to preventive care for patients who rely on Planned Parenthood and other clinics in Tennessee. Planned Parenthood provides important preventive health care like birth control, cancer screenings and sexually transmitted infection (STI) testing and treatment.

Amendment 36 also would take away rights and opportunities from people who already face obstacles to health care including LGBTQ people, people of color, people with disabilities and women. African American women, in particular, rely on Planned Parenthood health centers in Tennessee for their preventive care and should not be cut off from a provider they trust.

Amendment 36 is not what people in Tennessee want. They do not want to see thousands of people cut off from health care they rely on. This is a cruel policy that would ultimately make health care inaccessible for many and unfairly targets Planned Parenthood and other clinics that offer abortion and family planning services since neither federal nor state funding currently go toward providing abortion services in Tennessee.

Instead, the state's Medicaid program needs to pay more attention to supporting qualified and willing providers who can improve health outcomes.

I urge you to reject Amendment 36 to the TennCare program.

As always, I remain,
Most sincerely,

A handwritten signature in blue ink, appearing to read "Steve Cohen", is written over the closing text.

Steve Cohen
Member of Congress